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7	UNITED STATES DISTRICT COURT
8	DISTRICT OF NEVADA
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10	THOMAS J. BALBONI, JR.,
11	Petitioner,) 3:11-cv-00458-RCJ-RAM
12	vs.) ORDER
13	WARDEN, NNCC, et al.,
14	Respondents.
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16	Petitioner is a state prisoner proceeding in <i>pro se</i> . On June 29, 2011, two habeas corpus
17	actions were opened in this Court on behalf of petitioner: the instant action, and the action filed at
18	case number 3:11-cv-457-RCJ-VPC. In the case filed at 3:11-cv-457-RCJ-VPC, petitioner filed a
19	pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction
20	in state case number CR04-1276. By separate order, the Court allows petitioner's federal habeas
21	action case number 3:11-cv-457-RCJ-VPC to proceed.
22	The instant action, however, must be dismissed as successive. Petitioner's document
23	initiating the instant action is a "notice of appeal" from the Nevada Supreme Court's order denying
24	his appeal of state case number CR04-1276, the same state criminal conviction he challenges in
25	3:11-cv-457-RCJ-VPC. (ECF No. 1-1). Petitioner filed a "notice of remittitur" on July 15, 2011,
26	which further indicates that petitioner is challenging his conviction and the Nevada Supreme Court's

IT IS THEREFORE ORDERED that the instant action, 3:11-cv-00458-RCJ-RAM, is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that petitioner is DENIED A CERTIFICATE OF APPEALABILITY.

IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly.

DATED this 16th day of September, 2011.

JMITED STATES DISTRICT JUDGE